

## **REMARKS**

Claims 1-29 are pending in the present application. Claims 1-29 stand rejected. Claims 1, 5-7, 9, 11, 12, 14, 17-20 and 26 have been amended herein. Reconsideration is respectfully requested in light of the present amendments and following remarks. The above amendments and following remarks are believed to be fully responsive to the outstanding Office Action and to render all claims at issue patentably distinct over the references cited.

The Examiner has rejected Claims 6-17, 19-20 and 26 under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. Notwithstanding, the noted items have been revised in a non-narrowing manner to preserve all equivalents during interpretation. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

The drawings have been objected to under 37 C.F.R. §1.83(a). This objection is respectfully traversed. For example, Figure 6, as described in paragraph number [0052], fully shows the features of Claim 9. Nevertheless, the amendments to Claims 6 and 7 should render the other drawing objections as moot. Accordingly, it is respectfully requested that the instant objection be withdrawn.

Claims 18 and 19 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Renneker. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited reference. Notwithstanding, independent Claim 18 has been amended to state that the first and second drive systems are each mounted "at a stationary position always below said horizontal plane." Support for this amendment can be found in the originally filed Figure 10 as well as

paragraph numbers [0040], [0045], [0047] and [0052]. In contrast, the “forward roof actuating mechanism [60] is carried by the rear roof section 24” which can be moved above the beltline (see column 5, lines 23-32, and Figures 2 and 8 of Renneker). These differences are significant, for example, by making a moving panel assembly lighter weight and by placing the actuator into a larger packaging space with the present invention. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claims 22, 28 and 29 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Chaban. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited reference. For example, independent Claim 22 states that “a sealing member [is] directly fixed to the back window” and that “the sealing member engages the covering panel.” In contrast, a metallic frame 23 is between a back window and a trunk lid 24, as shown in Figures 1, 10 and 11, and in column 4, lines 20-21, of Chaban. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

The Examiner has rejected Claims 6-8 and 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA and BMW. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Notwithstanding, independent Claim 6 has been amended to state that the opened position of at least one of the panels is within 45 degrees of vertical. Support for this amendment can be found in the originally filed Figure 6 and 21, and the accompanying text. In contrast, MGA teaches the predominately horizontal open positions of panels 6 and 12 (see Figure 6 of MGA) thereby blocking access to the trunk

but for the complicated decklid and panel interface. Furthermore, there is no disclosure, suggestion or motivation to combine the cited references as presently claimed.

Furthermore, all of the comments regarding judicial notice and assumptions of alleged common knowledge are respectfully traversed as lacking support; the present combination of claim elements are deemed novel and nonobvious, and therefore not of common knowledge. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

The Examiner has rejected Claims 1, 2, 4 and 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, BMW and Neubrand. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Notwithstanding, independent Claim 1 has been amended to state that the covering panel is movable without requiring movement of all of the roof panels when they are in their opened positions. Support for this amendment can be found within Applicants' originally filed Figures 6 and 31-34. In contrast, none of the cited references teach, suggest or motivate the claimed combination of elements, especially as amended. The differences are significant since the weight and complexity of the trunk lids in MGA and Neubrand are significantly greater than the cover of the present invention when the panels are opened. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 14 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA and Renneker. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Notwithstanding, Claim 14 has been amended to state that the first actuator is below the

beltline plane “even when the back window is in its closed position.” Support for this amendment can be found in the originally filed Figure 10 and paragraph numbers [0040], [0045], [0047] and [0052]. In contrast, the “forward roof actuating mechanism [60] is carried by the rear roof section 24” which can be moved above the beltline (see column 5, lines 23-32, and Figures 2 and 8 of Renneker). These differences are significant, for example, by making a moving panel assembly lighter weight and by placing the actuator into a larger packaging space with the present invention. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 15 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, Renneker and Chika. This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references. Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claims 3, 12 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, BMW, Neubrand/Renneker and Varner. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 9 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, BMW and Renneker. This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references.

Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 10 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, BMW, Renneker and Chika. This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references. Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 11 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, BMW and Neubrand. This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references. Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, Renneker and Neubrand. This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references. Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 17 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MGA, Renneker, BMW and Varner. This rejection is respectfully

traversed. It is believed that the originally filed claim is patentably distinct over the cited references. Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 21 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Renneker and Chika. This rejection is respectfully traversed. It is believed that the presently claimed invention is patentably distinct over the cited references. Nevertheless, this rejection is deemed moot in light of the amendment to the base independent claim. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claims 22, 28 and 29 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chaban and Renneker. This rejection is respectfully traversed. It is believed that the presently claimed invention is patentably distinct over the cited references. For example, neither reference discloses, suggests or motivates “a sealing member directly fixed to the back window” where the “sealing member engages the covering panel” as recited in independent Claim 22. In contrast, Figure 3 of Renneker is similar to the difference previously discussed regarding Chaban; in other words, a metal frame, and not a seal, appears to be located between the back window and an adjacent cover. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claims 23-25 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chaban, or Chaban, Renneker and BMW. This rejection is respectfully traversed. It is believed that the originally filed claims are patentably distinct over the cited references. Notwithstanding, this rejection is deemed moot in light of the

arguments regarding the base independent claim. Furthermore, there is no suggestion or motivation to combine the cited references. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claim 27 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chaban, or Chaban, Renneker and Farber. This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references. Notwithstanding, this rejection is deemed moot in light of the arguments regarding the base independent claim. Furthermore, there is no suggestion or motivation to combine the cited references. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Finally, Claim 26 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Chaban, or Chaban, BMW, Renneker and/or Farber. This rejection is respectfully traversed. It is believed that the originally filed claim is patentably distinct over the cited references. Notwithstanding, this rejection is deemed moot in light of the arguments regarding the base independent claim. Furthermore, there is no suggestion or motivation to combine the cited references. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

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In view of the instant amendments, it is submitted that the present application is in condition for allowance. Accordingly, it is requested that the Examiner pass the case to issue at his earliest convenience.

Respectfully submitted,

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